

SMITH LARSEN & WIXOM

ATTORNEYS
HILLS CENTER BUSINESS PARK
1935 VILLAGE CENTER CIRCLE
LAS VEGAS, NEVADA 89134
(702) 252-5002 • (702) 252-5006

Kent F. Larsen, Esq.
Nevada Bar No. 3463
Karl L. Nielson, Esq.
Nevada Bar No. 5082
SMITH LARSEN & WIXOM
1935 Village Center Circle
Las Vegas, Nevada 89134
Tel.: (702) 252-5002
Fax: (702) 252-5006
Email: kfl@slwlaw.com
Attorneys for Defendant/Counterclaimant
JPMorgan Chase Bank, N.A.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SHIREHAMPTON DRIVE TRUST,

Plaintiff,

v.

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION; MTC FINANCIAL INC.
DBA TRUSTEE CORPS; and LOUISA
OAKENELL,

Defendants.

CASE NO.: 2:16-cv-02276-RFB-EJY

**STIPULATION FOR THE COURT TO
ISSUE AN ORDER NULLIFYING ECF
95 [OCTOBER 23, 2023 ORDER] AND
TO REINSTATE ESSEX AT
HUNTINGTON HOMEOWNERS
ASSOCIATION FORECLOSURE
DEED**

JPMORGAN CHASE BANK, N.A.,

Counterclaimant,

v.

SHIREHAMPTON DRIVE TRUST; DOES
1 through 10, inclusive; and ROE
CORPORATIONS 1 through 10, inclusive,

Counterdefendants.

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Defendant/Counterclaimant JPMorgan Chase Bank, N.A. (“Chase”), and Plaintiff Shirehampton Dr. Trust (“Plaintiff”), by and through their respective undersigned counsel of record, hereby stipulate as follows:

- (1) On September 30, 2023, the Court issued its Order [ECF 93] in the above captioned matter, in which the Court found, in pertinent part, as follows: “[t]he Court finds that the foreclosure sale is therefore void and must be set aside for the reasons previously stated.” (*See* the September 30, 2023 Order [ECF 93], at p. 14, ll. 16-17.)
- (2) The Court directed Chase to prepare a proposed order for filing with state officials by October 13, 2023. (*See* the September 30, 2023 Order [ECF 93], at p. 15, ll. 1-2.)
- (3) Pursuant to the Court’s directive, on October 13, 2023, Chase submitted to the Court a proposed form of order [ECF 94], which the Court entered on October 23, 2023 as ECF 95, entitled “Order Voiding February 7, 2023 Essex at Huntington Homeowners Association Foreclosure Sale and Resulting Foreclosure Deed (Clark County Recorder’s Instrument 201302070002082).”
- (4) On November 1, 2023, ECF 95 was recorded in the Official Records of the Clark County, Nevada Recorder as Instrument 20231101-0000601, a copy of which is attached as **Exhibit A** hereto.
- (5) ECF 95 was consistent with the Court’s September 30, 2023 Order [ECF 93], and had the impact of voiding in the Clark County, Nevada public records the Essex at Huntington Homeowners Association Foreclosure Deed – Clark County Recorder’s Instrument 201302070002082, rerecorded as Instrument No. 201303270002898 -- arising from the January 28, 2013 association sale which was the subject of this

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1 action.

2 (6) Subsequently, on May 6, 2024, the Court entered its Amended Order [ECF 100], as
 3 a result of Plaintiff's Motion to Alter or Amend Order and Judgment [ECF 96],
 4 which amended the September 30, 2023 Order [ECF 93], and stated, in pertinent
 5 part:
 6

7 "The Court finds that the foreclosure sale in this case was voidable.
 8 Shirehampton Dr. Trust acquired the Property subject to the lien of the
 9 Internal Revenue Service and the deed of trust in favor of Chase Bank."
 10

11 See the May 6, 2024 Order [ECF 100], at p. 14, ll. 23-25.

12 (7) In light of the language in the Amended Order [ECF 100], Plaintiff and Chase are
 13 requesting herein that the Court enter the proposed form of order attached hereto as
 14 **Exhibit B**, so that it can be recorded in the public records of Clark County, Nevada.
 15

16 (8) The attached proposed form of order (**Exhibit B**) will reinstate the association
 17 foreclosure deed (Instrument 201302070002082, rerecorded as Instrument No.
 18 201303270002898), which was voided as a result of the Court's October 23, 2023
 19 Order [ECF 95].
 20

21 SMITH LARSEN & WIXOM

LAW OFFICES OF MICHAEL F. BOHN,
 ESQ., LTD.

22 /s/ Kent F. Larsen

/s/ Michael F. Bohn

23 Kent F. Larsen, Esq.
 24 Nevada Bar No. 3463
 1935 Village Center Circle
 25 Las Vegas, Nevada 89134
 Attorneys for
 26 Defendant/Counterclaimant
 27 JPMorgan Chase Bank, N.A.

Michael F. Bohn, Esq.
 Nevada Bar No.: 1641
 2260 Corporate Cir, Suite 480
 Henderson, Nevada 89074
 Attorney for Plaintiff
 Shirehampton Dr. Trust

Dated: February 27, 2025

28 Dated: February 27, 2025

EXHIBIT A

Order Voiding February 7, 2013 Essex
at Huntington Homeowners Association
Foreclosure Sale and Resulting
Foreclosure Deed

EXHIBIT A

Inst #: 20231101-0000601

Fees: \$42.00

11/01/2023 09:28:29 AM

Receipt #: 5428893

Requestor:

SMITH LARSEN & WIXOM

Recorded By: KVHO Pgs: 4

Debbie Conway

CLARK COUNTY RECORDER

Src: FRONT COUNTER

Ofc: MAIN OFFICE

RECORDING COVER PAGE

(Must be typed or printed clearly in BLACK ink only
and avoid printing in the 1" margins of document)

APN# 176-18-613-028

(11 digit Assessor's Parcel Number may be obtained at:
<http://redrock.co.clark.nv.us/assrealprop/ownr.aspx>)

TITLE OF DOCUMENT

(DO NOT Abbreviate)

Order Voiding February 7, 2013 Essex at Huntington Homeowners

Association Foreclosure Sale and Resulting Foreclosure Deed (Clark

County Recorder's Instrument 201302070002082)

**Document Title on cover page must appear EXACTLY as the first page of the document
to be recorded.**

RECORDING REQUESTED BY:

Smith Larsen & Wixom

RETURN TO: Name Kent F. Larsen and Karl L. Nielson

Address 1935 Village Center Circle

City/State/Zip Las Vegas, NV 89134

MAIL TAX STATEMENT TO: (Applicable to documents transferring real property)

Name _____

Address _____

City/State/Zip _____

This page provides additional information required by NRS 111.312 Sections 1-2.

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1935 VILLAGE CENTER CIRCLE
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kln@slwlaw.com
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SHIREHAMPTON DRIVE TRUST,

Plaintiff,

v.

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION; MTC FINANCIAL INC.
DBA TRUSTEE CORPS; LOUISA
OAKENELL; and UNITED STATES OF
AMERICA TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,

Defendants.

AND RELATED COUNTERCLAIMS.

CASE NO.: 2:16-cv-02276-RFB-EJY

**ORDER VOIDING FEBRUARY 7, 2013
ESSEX AT HUNTINGTON
HOMEOWNERS ASSOCIATION
FORECLOSURE SALE AND
RESULTING FORECLOSURE DEED
(CLARK COUNTY RECORDER'S
INSTRUMENT 201302070002082)**

On September 30, 2023, the Court filed an Order in this action. *See* ECF No. 93, a copy of which is attached hereto as Exhibit A. In the Order, the Court granted Defendant-Counter Claimant JPMorgan Chase Bank, National Association's ("Chase") Post-Remand Motion for Summary Judgment (ECF No. 82) finding that the Essex at Huntington Homeowner Association lien foreclosure sale occurring on January 28, 2013 regarding the real property

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1 located at 705 Shirehampton Drive, Las Vegas, Nevada 89178 (APN 176-18-613-028) (the
2 "Property") was void. *See* Order at p. 14. This Court further ordered Chase to submit a
3 proposed order for filing with state officials by October 13, 2023 (*see* Order at p. 15) and this
4 order is the result of that directive.

5 Pursuant to the Order, and good cause appearing,

6 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that the Essex at
7 Huntington Homeowners Association lien foreclosure sale conducted on January 28, 2013
8 with respect to the Property, pursuant to that certain Notice of Foreclosure Sale recorded in the
9 Official Records of the Clark County, Nevada Recorder on September 18, 2012 as Instrument
10 No. 201209180000664, is null and void and set aside for all purposes and is of no further force
11 and effect;

12 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the Foreclosure
13 Deed recorded in the Official Records of the Clark County, Nevada Recorder against the
14 Property on February 7, 2013 as Instrument No. 201302070002082, and rerecorded on March
15 27, 2013 as Instrument No. 201303270002898, is null and void, is of no further force and effect,
16 and the Clark County, Nevada Recorder is directed to expunge the Foreclosure Deed from its
17 Official Records;

18 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that title to the
19 Property is hereby returned to the *status quo ante*, as if the January 28, 2013 lien foreclosure
20 sale had not occurred; and,

21 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that this Order shall
22 be recorded in the Official Records of the Clark County, Nevada Recorder to further effectuate
23 the rulings and directives of this Court as contained in the Order (ECF No. 93).
24
25

26 IT IS SO ORDERED:

27 

28 UNITED STATES DISTRICT JUDGE
DATED: October 23, 2023

SMITH LARSEN & WIXOM

ATTORNEYS

HILLS CENTER BUSINESS PARK

1935 VILLAGE CENTER CIRCLE

LAS VEGAS, NEVADA 89134

TEL (702) 252-5002 • FAX (702) 252-5006

Submitted By:

SMITH LARSEN & WIXOM

/s/ Karl L. Nielson

Kent F. Larsen, Esq.

Nevada Bar No. 3463

Karl L. Nielson, Esq.

Nevada Bar No. 5082

1935 Village Center Circle

Las Vegas, Nevada 89134

Attorneys for Defendant/Counterclaimant

JPMorgan Chase Bank, N.A.

I hereby attest and certify on 10/26/23
that the foregoing document is a full, true
and correct copy of the original on file in my
legal custody.

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA

By [Signature] Deputy Clerk



EXHIBIT B

Proposed Order

EXHIBIT B

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Tel: (702) 252-5002
Fax: (702) 252-5006
Email: kfl@slwlaw.com
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SHIREHAMPTON DRIVE TRUST,

Plaintiff,

v.

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION; MTC FINANCIAL INC.
DBA TRUSTEE CORPS; LOUISA
OAKENELL; and UNITED STATES OF
AMERICA TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,

Defendants.

AND RELATED COUNTERCLAIMS.

CASE NO.: 2:16-cv-02276-RFB-EJY

**[PROPOSED]
ORDER WITHDRAWING THIS
COURT'S OCTOBER 23, 2023 ORDER
[ECF 95]
AND
REINSTATING ESSEX AT
HUNTINGTON HOMEOWNERS
ASSOCIATION FORECLOSURE
DEED (CLARK COUNTY
RECORDER'S INSTRUMENT
201302070002082)**

On October 23, 2023, the Court issued its Order [ECF 95] in the above-captioned matter, entitled "Order Voiding February 7, 2023 Essex At Huntington Homeowners Association Foreclosure Sale and Resulting Foreclosure Deed (Clark County Recorder's Instrument 201302070002082)."

The October 23, 2023 Order [ECF 95] was issued as a result of this Court's September 30, 2023 Order [ECF 93] in the above-captioned action, and was recorded on November 1, 2023 in the Official Records of the Clark County, Nevada Recorder, as Instrument 20231101-0000601.

On May 6, 2024, the Court entered its Amended Order [ECF 100] in this matter.

The Court's Amended Order [ECF 100] amended the findings and conclusions contained in the Court's September 30, 2023 Order [ECF 93], thereby nullifying the following findings/directives contained in the Court's October 23, 2023 Order [ECF 95]:

- (i) that the January 28, 2013 Essex at Huntington Homeowners Association lien foreclosure sale regarding the real property located at 705 Shirehampton Drive, Las Vegas Nevada (APN 176-18-613-028) (the "Property") was void; and,
- (ii) that the Foreclosure Deed recorded in the Official Records of the Clark County, Nevada Recorder against the Property on February 7, 2013 as Instrument No. 201302070002082, and rerecorded on March 27, 2013 as Instrument No. 201303270002898, was null and void, was of no further force and effect.

In light of the foregoing, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Court's October 23, 2023 Order [ECF 95] is hereby withdrawn, and is of no further force and effect;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clark County, Nevada Recorder is directed to expunge Instrument 20231101-0000601 (which is the recorded copy of this Court's October 23, 2023 Order [ECF 95]) from its Official Records;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, for clarity of the public records regarding the Property, the Foreclosure Deed recorded in the Official Records of the Clark County, Nevada Recorder against the Property on February 7, 2013 as Instrument No. 201302070002082, and rerecorded on March 27, 2013 as Instrument No. 201303270002898 is reinstated, as if the Court's October 23, 2023 Order [ECF 95] was never issued (and recorded as Instrument 20231101-0000601);

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1 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that title to the
2 Property is hereby returned to the *status quo ante*, as if this Court’s October 23, 2023 Order
3 [ECF 95] was never issued (and recorded as Instrument 20231101-0000601), as the Court has
4 recognized in the Court’s May 6, 2024 Amended Order [ECF 100] that “Shirehampton Dr.
5 Trust acquired the Property subject to the lien of the Internal Revenue Service and the deed of
6 trust in favor of Chase Bank.”
7

8 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that this Order shall
9 be recorded in the Official Records of the Clark County, Nevada Recorder to further effectuate
10 the rulings and directives of this Court as contained in this Order.

11 **IT IS SO ORDERED.**

12 **DATED:** April 8, 2025.



13
14 **RICHARD F. BOULWARE, II**
15 **UNITED STATES DISTRICT JUDGE**
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